
GOVERNMENT NOTICES GOEWERMENSKENNISGEWINGS

DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION DEPARTEMENT VAN INTERNASIONALE BETREKKINGE EN SAMEWERKING

No. 1091

21 December 2012

ARTICLE 8 PRIVILEGES AND IMMUNITIES

- (1) The Government shall accord to -
- (a) the Executive Secretary who is not a national or permanent resident of the Government, and the members of his / her family, the same privileges and immunities, exemptions and facilities as that accorded to officials of comparable ranks forming part of diplomatic representatives at Missions;
 - (b) the staff members, who are not nationals or permanent residents of the Country -
 - (i) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, unless such word or acts are as a result of gross negligence on the part of the staff member in question;
 - (ii) exemption from taxation on the salaries and emoluments paid to them by the Secretariat;
 - (iii) immunity, together with members of their family, from immigration restrictions and alien registration;
 - (iv) free movement within the Country;
 - (v) where necessary, the timeous issuance of visas, work, travel and residence permits in the Country;
 - (vi) the right to import free of duty their furniture and effects, at the time of taking up their post in the Country;
 - (vii) the same privileges in respect of exchange facilities as are accorded the officials of comparative rank forming part of diplomatic missions to the Government; and
 - (viii) the same repatriation facilities in time of international crises as granted to diplomatic envoys;
 - (c) staff members, who are nationals or permanent residents of the Country, the immunities referred to in sub article (1)(b) (i) and (iii)
 - (d) Notwithstanding the tax exemptions referred to in Article 1(b)(ii), the Government shall not grant tax exemptions to residents of the Country employed by CABRI. However, the Government shall put in place an administrative process to ensure tax neutrality for CABRI and such residents.
- (2) Privileges and immunities granted under this Agreement to the Executive Secretary and staff members are granted in the interest of the CABRI and not for the personal benefit of the individuals themselves.

- (3) Staff members shall be provided by the Government with a special identity card which shall serve to identify the holder to the authorities of the Republic of South Africa and to certify that the holder enjoys the privileges and immunities specified in this Agreement. The staff members, upon the termination of employment or reassignment from South Africa, shall return promptly to the Government the special identity card for cancellation.
- (4) The Executive Secretary shall have the right and the duty to waive the immunity of a staff member or members of their family in any case where, in the opinion of the Executive Secretary, the immunity would impede the course of justice and can be waived without prejudice to the interest of the Secretariat.
- (5) The Secretariat shall co-operate at all times with the appropriate authorities of the Government to facilitate the proper administration of justice and avoid the occurrence of any abuse in connection with the facilities, privileges and immunities accorded to staff members.
- (6) The Executive Secretary shall timeously notify the Government of names and ranks of the Secretariat staff in order to facilitate the granting of immunities and privileges.
- (7) The Secretariat shall have the authority to recruit staff members locally for carrying out functions and implementing programmes of CABRI.
- (8) Staff members may be recruited from among nationals of the Country or nationals of other countries with residence and work permits in the Country.
- (9) The conditions of employment of staff members shall be expected to approximate prevailing norms in the Country, with such modifications as may be required to assure availability of well qualified staff members.
- (10) Local staff members shall be recruited under the applicable rules of CABRI, with the proviso that the applicable rules of CABRI shall not apply if and when they conflict with the domestic law in force in the territory of the Country.